99TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 99-483
Part 3

RELATING TO CENTRAL AMERICA PURSUANT TO THE INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1985

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MARCH 11, 1986.—Ordered to be printed

Mr. ASPIN, from the Committee on Armed Services, submitted the following

REPORT

together with

ADDITIONAL AND DISSENTING VIEWS

[To accompany H.J. Res. 540 which on February 27, 1986, was referred jointly to the Committee on Appropriations, the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence]

[Including cost estimate of the Congressional Budget Office]

The Committee on Armed Services, to whom was referred the joint resolution (H.J. Res 540) relating to Central America pursuant to the International Security and Development Cooperation Act of 1985, having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

PURPOSE

The purpose of House Joint Resolution 540 is to transfer $100 million from the amounts appropriated for the Department of Defense for fiscal year 1986 (Further Continuing Appropriations, 1986, Public Law 99-190) to appropriations available for assistance to the Nicaraguan democratic resistance.

PARLIAMENTARY SITUATION

The International Security and Development Cooperation Act of 1985 (Public Law 99-83) and the Supplemental Appropriations Act for fiscal year 1985 (Public Law 99-88) provide for a special proce-

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dure for addressing the President's requests for assistance to the Nicaraguan democratic resistance.

A joint resolution of approval was introduced on February 27, 1986 (within the 3 day period required to qualify for the privileged status).

JOINT REFERRAL

The joint resolution was referred to four committees: the Committees on Armed Services, Foreign Affairs and Appropriations, and the Permanent Select Committee on Intelligence. The Committee on Armed Services sought referral of the resolution because the funds requested for transfer to the Nicaraguan democratic resistance would originate from appropriations previously enacted for the Department of Defense. The transfer of funds will affect the ability of the Department of Defense to achieve the objectives for which the funding was originally authorized. In addition, decisions affecting the provision of military assistance to critical areas of the world—and Central America is one of the most critical—has a significant impact on the need for and the composition of U.S. military forces today and in the future. Finally, under the terms of the President's request, the statutory requirement for the authorization of appropriations would be deemed to be satisfied by approval of the resolution—a matter of direct interest to the committee.

EXPEDITED PROCEDURES

Under the provisions of section 722(s) of the International Security and Development Cooperation Act of 1985 and section 106(d) of chapter V of the Supplemental Appropriations Act for fiscal year 1985, the committees to which the joint resolution was referred must report the joint resolution within 15 legislative days or be automatically discharged from further consideration.

After the resolution is on the calendar for a period of 5 legislative days, it may be called up by any Member (after consultation with the Speaker). Debate on the resolution is to be limited to 10 hours, equally divided between a Member in favor of the resolution and a Member opposed. No amendments are in order under the expedited procedures.

BACKGROUND AND DISCUSSION

DESCRIPTION OF THE REQUEST

The Administration requested that $100 million be made available for the Nicaraguan democratic resistance from the amounts appropriated to the Department of Defense in the Department of Defense Appropriation Act for fiscal year 1986. Of the total, $30 million would be available for humanitarian assistance (including $3 million specifically to be used for human rights programs and activities). The President could use the remaining $70 million for any kind of assistance he deems appropriate, including military assistance.

Upon approval of the request, 25 percent of the amount would become available. An additional 15 percent would become available every 90 days thereafter through fiscal year 1987 as reports are

submitted to the Congress. Depending on the timing of the approval, 40 percent could be available during fiscal year 1986 and the remaining 60 percent during fiscal year 1987.

WHERE IS THE MONEY COMING FROM?

The Department of Defense provided the committee the following list of accounts from which the funding for the Nicaraguan democratic resistance would come:

	Million
Appropriation Account/Item:	
Ammunition, Army: 105mm HEAT MP T Cartridge	$30.0
Other Procurement Navy:	
2.75-inch Rockets	11.5
General Purpose Bombs	20.0
Subtotal	31.5
Procurement, Marine Corps: 155mm Ammunition	3.5
Other Procurement, Air Force:	
30mm API	29.1
CBU-89 (TMD/GATOR)	5.9
Subtotal	35.0
Grand total	100.0

During testimony before the committee, the Secretary of Defense asserted that the $100 million would be replaced by transferring $50 million from each of 2 "contingency items in the President's budget not thus far allocated. Thus, neither the President's request nor the necessary restoration to defense will require any funds above those in the President's budget."

The "contingency items" referred to are found in the 1986 column of the 1987 budget in the budget functions for national defense and for international affairs. In effect, the $100 million that is intended to replace that which would be transferred by the approval of House Joint Resolution 540 would only be available if it were subsequently authorized and appropriated in addition to the amounts previously authorized and appropriated for the Department of Defense and the Department of State. Although the $100 million is included in the *presentation* of the President's budget, the "contingency items" have not been approved by the actions the Congress has taken with respect to the fiscal year 1986 budget.

Approval of House Joint Resolution 540 would, in no way, authorize or appropriate an additional $100 million for contingency items. In fact, the Administration did not submit with the budget, and has not submitted to date, a supplemental request.

WHERE IS THE MONEY GOING?

What is the form of the aid provided?

Of the total request, $30 million would be used for humanitarian assistance and $70 million would be used for other purposes.

The humanitarian assistance would be administered by the existing Nicaraguan Humanitarian Assistance Office.

Under the conditions of the request, the remainder of the aid would be administered by any agency, including agencies involved in intelligence activities, designated by the President. The primary objective of the remainder of the aid would be to maintain and to strengthen the Nicaraguan democratic resistance as an effective fighting force and to establish and maintain resupply lines to the units in the field.

The committee is concerned, in view of reported delays in the delivery of portions of the humanitarian aid approved in 1985, that the aid reach its intended destination. During informal discussions with the leaders of the United Nicaraguan Opposition, assurances were provided that past problems have been resolved and that the infrastructure required to ensure the delivery of assistance was firmly in place.

What are U.S. objectives for providing aid?

The usual objectives cited for providing aid to the Nicaraguan democratic resistance are as follows:

—To contain the assistance that Nicaragua is able to provide to the guerrillas operating in other Latin American countries
—To provide pressure for domestic reform within Nicaragua
—To provide pressure for the Sandinista leaders to negotiate a political settlement to the conflict in Nicaragua

How will the aid provided serve these objectives?

Without the presence of a viable military force within the borders of Nicaragua, the Sandinista government would have no incentive to reach an agreement with opposition leaders. Why should they negotiate away a share of their power unless they believe that it is in jeopardy if an agreement is not reached? Although, as one witness before the committee suggested, a change in the behavior of the Sandinista leaders (heavy reliance on Soviet and Cuban presence, domestic repression, disproportionate military buildup compared to defense requirements) is needed, such a change will be difficult to achieve even with the continued military threat from the Nicaraguan democratic resistance and improbable without it.

WHAT ARE THE MILITARY PROSPECT IN THE LONG RUN?

Can the Nicaraguan democratic resistance win?

Given the massive infusion of Soviet and Cubans arms in Nicaragua, the aid contained in the request may not be sufficient to ensure a military victory of the Nicaraguan democratic resistance. Importantly, however, the principal objective of providing assistance is to maintain the pressure of the two sides involved in the Nicaraguan conflict to seek a mutually acceptable political settlement.

On the one hand, the assistance is of a substantial enough amount to be of concern to the Sandinista leaders because of the military threat it would pose and because of the signal of U.S. resolve that it would portend. On the other hand, the assistance is not of such an amount that it will offset the immense military advantage enjoyed by the Sandinista military, and the political difficulties that have been manifested in obtaining approval of aid em-

phasizes that the Nicaraguan democratic resistance must be realistic in its goals.

Administration Views

The need for the legislation embodied in House Resolution 540 is described in the President's formal request as contained in House Document 99–169.

The services indicated in separate correspondence with the committee that the impact of the transfer of appropriations from the ammunition accounts would have a minimal operational and training impact.

Committee Position

The Committee on March 6, 1986, a quorum being present, agreed to report favorably House Joint Resolution 540, by a voice vote.

Fiscal Data

Pursuant to clause 7 of Rule XIII of the Rules of the House of Representatives, the committee attempted to ascertain annual outlays resulting from the bill during fiscal year 1986 and the four following fiscal years.

DEPARTMENT OF DEFENSE ESTIMATE

Following are the estimated outlays by fiscal year, as provide by the Department of Defense, that would be avoided as a result of transferring appropriated amounts from the Department of Defense:

(In millions of dollars)

	Fiscal year				
	1986	1987	1988	1989	1990
Procurement account:					
Ammunition, Army	9.0	10.5	4.5	3.3	1.7
Other procurement, Navy	3.6	10.5	8.7	5.3	1.5
Procurement, Marine Corps	0.4	0.9	1.3	0.5	0.2
Other procurement, Air Force	5.3	11.2	10.2	4.2	1.8
Total	18.3	33.1	24.7	13.9	4.7

CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(l)(3)(C) of Rule XI of the Rules of the House of Representatives, the estimate prepared by the Congressional Budget Office and submitted pursuant to section 403 of the Congressional Budget Act of 1974 is included hereafter:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: H.J. Res. 540.

2. Bill title: Joint resolution relating to Central America pursuant to the International Security and Development Act of 1985.

3. Bill status: As ordered reported by the House Committee on Armed Services on March 6, 1986.

4. Bill purpose: To provide humanitarian and military assistance to the democratic resistance in Nicaragua.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1986	1987	1988	1989	1990
Authorization amount	100.0				
Amount already appropriated	100.0				
Net increase					
Estimated outlays	15.9	28.3	−21.8	−10.0	−5.8

Basis of estimate: The estimate assumes an enactment date of July 1, 1986. The request is for authorization to provide $30 million in humanitarian aid and $70 million for other purposes to the Nicaraguan democratic resistance. The funds requested were appropriated in four separate Department of Defense (DoD) weapons procurement accounts in House Joint Resolution 465, Further Continuing Appropriations for Fiscal Year 1986. Transfer of the funds for the purposes described in the Bill would reduce outlays in those accounts in each of the next five years.

According to the request, $25 million would be made available for obligation immediately. Additional distributions of $15 million would be made every 90 days according to the provisions of the International Security and Development Cooperation Act of 1985. No funds would be made available after September 30, 1987. Because this transfer to Funds Available to the President would result in faster expenditures than would result from DoD weapons procurement, the net effect is to raise outlays in fiscal years 1986 and 1987 and reduce outlays thereafter; over the next six years, the total outlay impact is about zero.

6. Estimated cost to State and local government: None.

7. Estimate comparison: None.

8. Previous CBO estimate: The Congressional Budget Office has prepared estimates on House Joint Resolution 540 for the House Permanent Select Committee on Intelligence, The House Committee on Foreign Affairs and the House Committee on Appropriations. Since those committees recommended rejection of the measure, there were no costs associated with their action.

9. Estimate prepared by: Jonathan Tyson.

10. Estimate approved by: C.G. Nuckols (For James L. Blum, Assistant Director for Budget Analysis).

COMMITTEE COST ESTIMATE

The committee concurs with the estimate of the Congressional Budget Office, recognizing the uncertainty underlying the estimate of the timing of the outlays generated by the expenditure of funds for the aid to the Nicaraguan democratic resistance. No new

budget authority would be created as a result of enactment of House Joint Resolution 540.

INFLATION-IMPACT STATEMENT

Pursuant to clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the committee attempted to determine the inflationary impact of the bill.

The committee believes the legislation will have no inflationary impact.

OVERSIGHT FINDINGS

With reference to clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the committee has not received a report from the Committee on Government Operations pertaining to the subject matter of House Joint Resolution 540.

With reference to clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the committee review of the legislation constitutes but one element of the continuing examination of the national defense and intelligence establishments as a major segment of the committee's oversight responsibilities with regard to national security.

ADDITIONAL VIEWS OF CHARLES E. BENNETT

This request by the President for $100 million to aid Nicaragua, including military aid, should be approved for two reasons: First, the aid may make it possible to bring the Sandinistas to the conference table to set a prompt schedule for fulfillment of the promises made to the people of Nicaragua, and to the Organization of American States, to establish democracy in Nicaragua; and secondly, unlike the context of the request for such aid last year, the President's request this year is specifically based on accepted international law which allows such aid in the interest of our national security. Moreover, the President rules out this legislation as a source of approval for using U.S. troops in the area.

The President's proposal is a modest and timely request. Failure to grant it may mean more difficult and dangerous answers will have to be found in the future.

Years ago, President Kennedy said "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden * * * to assure the survival and success of liberty". Earlier, President Truman had declared that it would be our policy "to help free peoples to maintain * * * their national integrity against aggressive movements that seek to impose upon them totalitarian regimes".

Presidents Eisenhower and Carter spoke similarly; and in President Reagan's 1985 State of the Union address he spoke of our "historic role as a leader of the free world" saying, "we must stand by all our democratic allies. And we must not break faith with those who are risking their lives—on every continent from Afghanistan to Nicaragua—to defy Soviet-supported aggression and secure rights which have been ours from birth."

President Reagan is certainly correct when he says we have enjoyed such rights from birth. The American and French revolutions of the late eighteenth century gave such hopes to all peoples, and the years which have followed have enriched the meaning of Jefferson's words at our beginning that: "all men are created equal". Surely democracy, not totalitarianism, is the hope of today and the promise of tomorrow.

Having said all of this it is not inappropriate to mention that each case of extended help has to be considered on a case by case basis. Our means are not unlimited, as we sadly decided in the case of Hungary and Poland. And our participation in intervention, and the extent of it, and varying prospects, may differ in each specific case. In the case of Nicaragua, with the threat of the spread of anti-democratic Marxism so close to our borders, in continental America, it is clear that what the President asks this year is certainly justified in the context in which he asks it. It is consistent with international law; it is in our best defense interests; it is modest in

amount; and it may prevent something much more costly in dollars and American lives in the future.

Before concluding, I would like to point out that I felt that the request for military aid last year was faulty in that it disregarded international law in two respects; namely it did not cite specifically our own security needs, which is essential when we intervene for rebels against countries with which we have treaties; and, secondly, last year there seemed to be reliances on the assertion that we were doing something "covertly" or secretly when there was nothing secret or covert about the matter at all. Something is not covert or secret just because we call it such!

In an effort to put the military aid in proper perspective, I introduced House Joint Resolution 268 on April 30, 1985 seeking to broaden or apply the Monroe Doctrine in the Nicaragua situation. This was perfected by my bill, House Joint Resolution 488, which relies on broad international law rather than just on the Monroe Doctrine. The President's request this year contains the following assertions, essentially the same as found in House Joint Resolution 488:

> The actions by the United States in response to the concerns described in subparagraph (A), authorized by the approval of this request, are consistent with the right of the United States to defend itself and to assist its allies in accordance with international law and treaties in force. Such actions are directed to achieving a comprehensive and verifiable agreement among the countries of Central America, based upon the 1983 Contadora Document of Objectives, and internal reconciliation within Nicaragua, based upon democratic principles, without the use of force by the United States. The approval of this request shall not be construed as authorizing any member or unit of the armed forces of the United States to engage in combat against the Government of Nicaragua.

History sometimes helps us with perspective. Remember our revolution's most decisive battle, Yorktown? In that battle the French were more numerous than the Americans; and in that momentous victory twice as many Frenchmen as Americans lost their lives fighting for our freedom. Truly our nation was born with the help of other nations. We cannot now stand idly by and dismiss as other people's business their struggles to assert or achieve their legitimate liberties. To do so could seal their doom and ultimately our own. We should vote for this proposal. Put it down as gratitude for the past or insurance for the future.

CHARLES E. BENNETT.

ADDITIONAL VIEW OF MESSRS. STRATTON, MONTGOMERY, HUTTO, CARNEY, DICKINSON, NICHOLS, DANIEL, STUMP, MRS. HOLT, AND MR. ROBINSON ON H.J. RES. 540

We strongly believe that the proposal of the President with regard to financial assistance for the Nicaraguan freedom fighters makes eminent good sense in view of the steadily deteriorating political and military situation on the continent of Central America.

The Soviet Union is increasing its shipments of sophisticated weaponry to the government of Nicaragua, which will, of course, be used not only to oppress its own citizens seeking freedom and democracy, but also to support armed guerrilla operations against its neighbors in Costa Rica, El Salvador, and Honduras.

It is perfectly clear that the American people emphatically do not want another communist, totalitarian state established in the Caribbean. But the extent of the threat that this festering political sore poses to the United States has been gravely underrated—partly as a result of clever, communist propaganda, and partly because of the many problems we are currently being called upon to deal with in more remote parts of the world.

Nicaragua has now become a fully qualified communist state. It censors its press. It oppresses the Catholic Church. It opposes free speech and free elections. And it provides a vast supply depot for weaponry to extend the range of its political and military operations against independent governments in its vicinity.

At this rate of growth it will not be long before the huge military airport that the communist Sandinistas have been building alongside the Managua civilian airport will be able to support long-range, Soviet reconnaissance aircraft capable of overflying most of Central America and parts of the United States. This would be an ominous development indeed. Yet this is what is very likely to occur unless Congress makes it clear that it will not tolerate the military expansion that the communist Sandinistas have forced on the Nicaraguan people.

This package of aid which the President has recommended is desperately needed to restore hope and encouragement to those brave freedom fighters who have, understandably, begun to believe that the United States has abandoned them altogether. These funds will not only revitalize the commanders of the freedom fighters, but will also be the most effective way for the United States to mobilize its resources and capabilities in behalf of their struggle.

Moreover, a substantial vote in favor of the President's proposal in the Congress will quickly galvanize the other independent governments in the vicinity of Nicaragua who have been reluctant to speak out openly because of their concern about military retaliation from the communist Sandinistas.

In contrast to the situation that prevailed in Afghanistan and the situation that has recently been successful in the Philippines,

the opposition movement in Nicaragua is in disarray not because the leaders of these movements are unwilling to form an effective opposition movement but because the Congress of the United States has refused to provide even sufficient humanitarian aid to these brave people for the last one-half year.

Why is it so honorable to support the freedom fighters of Afghanistan, and the opposition movement in Philippines—as we have successfully done with the expulsion of a dictator—but so contrary to American values of freedom and independence to assist the freedom fighters on the mainland of Central America?

Indeed it seems that the Congress has forgotten that our own freedom and independence were not won simply by humanitarian assistance but rather in blood at Saratoga, at West Point, and at Valley Forge. Have we so easily forgotten that freedom has never been really free? It costs in money and in lives. Many members have turned their backs on the Nicaraguan freedom fighters because they say, Why have the countries that border on Nicaragua failed to speak out against the communist-Sandinista regime when they are so much closer to it than we are? If they aren't worried, why should we be stirring ourselves?

But the plain, simple fact is that the enormous Soviet-supplied, military hardware that is now in the hands of the communist-Sandinistas frightens these small countries. They realize they can be retaliated against if they speak out their true feelings.

The bottom line in this debate is that the United States must be the leader. If we—the most powerful nation on earth—back and fill and lack resolve, nobody will want to follow us. But if the Congress of the United States and the President of the United States join together in a massive program to halt this insidious growth of communism on our continent, these and other nations—we are certain—will join in support.

What the United States does will be the touchstone. Others say we shouldn't monkey around in Nicaragua because we might get involved in combat there. Actually, the beauty of the President's proposal is that it will prevent our involvement in military operations, because we are turning over the tools and the leadership to those brave men who are prepared to run risks to bring freedom to their fellow citizens and to drive out the insidious devices of communism from the Central American continent.

As Abraham Lincoln put it many years ago in another grave crisis, we can meanly lose or nobly save this last, best hope of earth. So let's come down on the side of nobility with those who believe that freedom is better than slavery and strike a blow for those who are ready to fight for that freedom.

SAMUEL S. STRATTON.
EARL HUTTO.
BILL DICKINSON.
DAN DANIEL.
MARJORIE S. HOLT.
G.V. MONTGOMERY.
BILL CARNEY.
BILL NICHOLS.
BOB STUMP.
TOMMY F. ROBINSON.

ADDITIONAL VIEWS OF MESSRS. COURTER, DANIEL, STRATTON, MRS. HOLT, MESSRS. DAVIS, KRAMER, AND WHITEHURST

We support the Committee's decision to give a favorable recommendation to House Joint Resolution 540, which extends assistance to the democratic resistance forces in Nicaragua.

Like all Members, we would welcome a negotiated settlement to the conflict in Nicaragua. By supporting the President's proposal, we do not oppose negotiations. Rather, we support what we believe to be the only realistic course for bringing them about.

Any successful negotiated settlement must resolve the conflict between the Sandinista government and its domestic opposition. Once this is resolved, the Sandinistas will find that they have no problem with the United States.

In other words, if the Sandinistas fulfill the promise of the 1979 revolution—to bring a pluralistic, open democracy to Nicaragua—they will address the root cause of their troubles. They know, but refuse to admit, that the Nicaraguan conflict is caused by their own war against free trade unions, the free press, free enterprise the Catholic Church, the tiny Nicaraguan Jewish community, the Indian minorities and any other group that dares to give organized expression to a non-communist belief or philosophy.

The Sandinistas' democratic opposition, both inside and outside of Nicaragua, has tried on numerous occasions to initiate talks that would lead to a national reconciliation. The Sandinistas reject these overtures for dialogue every time they are made. Nicaragua's Cardinal Obando y Bravo suggested a national dialogue between the government and the opposition in his Easter 1984 pastoral letter. The government's response was to prohibit this letter from being published, and to label it "a criminal suggestion." The next year, the Sandinistas even rejected the Contras' offer of a cease-fire in the civil war because negotiations with the democratic opposition were a condition of this cease-fire.

The Sandinistas' intransigence has also prevented the Contadora nations from making any progress whatsoever toward fulfilling the Contadora objective of negotiated national reconciliation.

If the Sandinistas were to meet Nicaragua's democrats at the negotiating table, they would create the opportunity for three sets of talks to take place. The United States would make good on its longstanding offer to resume bilateral talks with Nicaragua once negotiations for internal reconciliation begin. In addition, El Salvador's President Jose Napoleon Duarte would resume talks with the communist guerrillas that are fighting his Government. President Duarte, in a gesture of support for the democratic resistance in Nicaragua, has declared that his talks will not resume until similar talks open in Nicaragua.

Many Members oppose military aid to the Nicaraguan democratic resistance because they believe that it will ruin chances for a negotiated settlement. We respectfully disagree. No American military aid has been extended since May 1984, yet this policy has not produced any breakthrough in negotiations. By withholding military aid, the United States has reduced any incentive the Sandinistas may have had to meet their opponents at the table. We firmly believe that the cause of a just peace in Nicaragua, a goal that all Members share, is not advanced by the progressive weakening of the Sandinistas' only opposition.

Democracy thrives in Costa Rica today, and it is maturing in El Salvador, Honduras and Guatemala, because of the existence of a strong democratic center. Inside Nicaragua, democrats are increasingly repressed when they oppose their government by civil means. Those who have taken up arms against the Sandinistas will certainly lose their struggle if America denies them aid. A military defeat would lead to a final crackdown on the civil opposition inside Nicaragua, and the democratic center would be destroyed, driven into exile. To the Sandinistas, this would represent the final "consolidation" of their revolution, and it would free them to devote their full attention to the subversion of their neighbors.

For the sake of Nicaraguan democracy and hemispheric security, the United States should act to prevent such a turn of events from taking place. We urge the House to give a strong bipartisan endorsement to the President's proposal to aid the Nicaraguan democratic resistance.

JIM COURTER.
DAN DANIEL.
SAMUEL S. STRATTON.
MARJORIE HOLT.
BOB DAVIS.
KEN KRAMER.
G. WILLIAM WHITEHURST.

DISSENTING VIEWS OF REPRESENTATIVE RONALD V. DELLUMS

The proposal to provide support to the so-called Contras is illegal, immoral and insane.

At various times the Contra leadership has declared the real reasons for the secret war against Nicaragua—it was the overthrow of the Sandinista government. The government of this nation knows that and still supports the paramilitary operation.

For example, Col. Enrique Bermudez, the Contra military commander, declared in 1984, that "It is not acceptable to carry out missions to interdict Cuban and Russian supply lines to El Salvador. We are Nicaraguans and our objective is to overthrow the Communists."

The undeclared war against the government and the people of Nicaragua is contrary to the Constitution, violating the right of Congress to declare war and is in violation of the Neutrality Act. It clearly contravenes the charter of the Organization of American States.

What kind of people are the Contras? Are they terrorists or freedom fighters?

Their activities have been documented by Americas Watch, the New York Times, CBS News, the Washington Office on Latin America (WOLA), the International Human Rights Law Group and many independent observers including Washington Post writer Chris Dickey.

The Washington Office on Latin America report issued in February, and compiled by Mary Dutcher, Esq., a former assistant attorney general for the State of Missouri, synthesizes the multiple findings:

> "The preponderance of evidence" indicates the "continuation of a systematic pattern of gross violations committed by Contra forces * * * the presence of Contra troops in a given locale seemed to give rise to a pattern of indiscriminate attacks against civilian targets, kidnappings, rapes, assassinations, mutilations and other forms of violations."

I have sworn statements of Nicaraguan citizens who say that they suffered these wrongs from the Contras.

I also have a sworn statement of a Nicaraguan citizen who alleges: He was an official of the Contra organization; they were helped by Honduran, Argentine, and U.S. officials; his group was advised and assisted by a person who claimed to be a CIA officer and who displayed a CIA credential.

We should not be surprised by the activities of the Contras. We have seen their key military and civilian leadership before. I quote from an article by James Lemoyne in the March 24, 1985, N.Y. Times:

"While their foot soldiers are mainly peasants, angered by Sandinista policies, almost all the top commanders are from former National Guard officers* * *"

And further, "Their supreme military commander, Lt. Col. Enrique Bermudez, was the Somoza government's last military attache in Washington."

And further, "Their numbers may be small, but their influence appears to be great. Under Colonel Bermudez, the heads of logistics, intelligence, training, operations, special forces and most of the largest combat units are Guard veterans. Many company commanders are former National Guard enlisted men. And two influential rebel civilian officials, Enrique and Aristedes Sanchez, were large landowners who backed the Somozas."

And family, "Worried about the guardsmen's reputation, the CIA appointed a new seven-member national directorate to meet journalists and Congressmen. Colonel Bermudez and his aides continued to run the military."

I ask the question—how do you create a democratic army, a movement committed to democracy, out of that?

The military adventures of the Contras are not going to achieve military success. Outside observers hold that the major effect of the effort is serving to turn the Sandinista army into a more effective fighting force.

And if the fighting won't bring victory, it certainly won't bring peace. Violence is not the way to a resolution of the problems in Nicaragua.

The Contadora nations have been trying to find a basis for peaceful settlement of the fighting in Nicaragua and elsewhere in Central America. The United States has not facilitated this process.

The Contadora process is dead on the water because of our intransigence.

A change of policy is needed. Let us commit ourselves to true multilateral negotiations. It is either negotiations or an unacceptable war.

The administration has not been able to explain satisfactorily in three years what the Contras are to accomplish or how it is to be done.

The present policy besides violating international laws, violates our own traditional values. Most of Latin America opposes this effort.

The long term interests of the United States are not served by this measure.

RONALD V. DELLUMS.

DISSENTING VIEWS OF REPRESENTATIVE PAT SCHROEDER ON HOUSE JOINT RESOLUTION 540

The first line of this report says that House Joint Resolution 540, providing $100 million in funding for the Contras in Nicaragua, was favorably reported by the Committee. Was it?

After no debate, the Chairman put the question of whether the Committee wanted to send this matter forward. By voice vote, the Committee voted to send it forward. There were not enough members demanding a record vote to have one. Is sending a resolution forward the same as reporting out favorably?

The distinction may not seem important because there were undoubtedly enough votes on the Committee to report out favorably. But, what is important about this ambiguous voice vote is that even the most rabid, anti-Communist and pro-military members of the Committee were uncomfortable with a record vote for the Contras.

I believe this new introspection was caused by the Administration's heavy-handed lobbying and confrontational agruments in favor of their request. White House communications director Patrick J. Buchanan wrote in the Washington Post, "With the vote on contra aid, the Democratic Party will reveal whether it stands with Ronald Reagan and the resistance—or Daniel Ortega and the Communists." Defense Secretary Caspar Weinberger told this Committee that either we support the Contra's efforts to overthrow the Sandinista regime in Nicaragua or American soldiers would have to do so.

Mr. Buchanan's red-baiting and Mr. Weinberger's threats soured a number of members of this Committee to the proposal. The Administration seems to be more interested in scoring political points against Democrats than averting the development of a communist nation in Central America. Despite repeated promises of working within the Contadora process, the Administration seems more willing to send the Marines to Managua than to send negotiators to negotiations.

PAT SCHROEDER.

DISSENTING VIEWS OF HON. NICHOLAS MAVROULES

As the Committee on Armed Services considers House Joint Resolution 540, authorizing $70 million in military assistance to the Contra forces in Nicaragua, I find it necessary to vote against this measure.

While it is clear the Administration has a plan for dispensing this package of military aid, I remain to be convinced that the Reagan Administration has a foreign policy for Central America.

In this particular case, the United States is recommending a program of military assistance to the Contras, without the necessary support and backing of the other nations in the region. It is most unfortunate that we are not more fully involved in the efforts of the Contadora nations, Colombia, Mexico, Panama, and Venezuela.

More troubling, in failing to develop a regional policy for Central America—one which addresses political, economic and social factors—the United States is missing a unique opportunity to re-direct the historical forces now at work.

Make no mistake, the independence of the Central American nations, including Nicaragua, must be one of the highest priorities of the United States. Unlike the distant Middle East, or the jungles of Vietnam, the United States does have a national interest in promoting democracy over dictatorships in Nicaragua, El Salvador and the other nations which share this hemisphere.

However, in this package we are presented only with a plan which promises more conflict, and not a policy for providing a regional alternative for moving Nicaragua away from dependence on Cuba and the Soviet Union. That is why this House Joint Resolution 540 must not be approved.

NICHOLAS MAVROULES.

DISSENTING VIEWS OF MR. BUSTAMANTE

I regret that I cannot concur with the recommendation of the Committee with respect to House Joint Resolution 540, which would make available $100 million in military and non-lethal aid to the Contras in Nicaragua.

The immediate question of whether or not to offer assistance to the Contras has been put before Members of the Committee as an issue involving symbolism. We have testimony to the effect that the United States must make some gesture of solidarity with the forces fighting to overthrow the Sandinista directorate in Nicaragua. If that demonstration of shared objectives is not made soon, we have been told, the Sandinistas, like the FMLN in El Salvador and the other Soviet clients in the hemisphere, will seize upon the Congress's lack of resolve and will consider itself free from any need to negotiate with other elements of the democratic opposition inside Nicaragua.

But the provision of $100 million is obviously more than a symbolic gesture. It cannot possibly lead to a "stabilization" of the military situation, unless stabilization is taken to mean something other than a push for a diplomatic solution and dialogue.

Along with a growing number of my colleagues, I question the appropriateness of offering military assistance to the designated leaders of the Contra forces. We have not been given any clear signal that either the FDN or UNO, its political arm, has any goal other than a seizure of power. The prospect of another coup does not serve our professed policy of working toward the establishment of a democratic, pluralist government in Nicaragua. There is no provision in House Joint Resolution 540 which calls for the democratization of the Contras themselves. Instead, the measure attempts to hand-pick the future leaders of Nicaragua. It omits entirely the forces fighting on the Costa Rican border and ignores the efforts of the Miskito Indians in the eastern part of the country, who are described as among the best fighters and least ideologically-inclined of all the anti-Sandinista forces.

To simply throw aid at a small number of Contra leaders is to encourage a continuation of the vicious cycle of violent changes in government which have plagued Central America throughout this century. The plan also runs counter to every recommendation of the Kissinger Commission, which reported to the President in 1984 that our principal objective in the region ought to be the development of a non-partisan, long-term policy. "Unless rapid progress can be made on the political, social and economic fronts," the Commissioners wrote, "peace on the military front will be elusive and would be fragile." I deeply resent the assertion by some in Washington that Members who question the efficacy of House Joint Resolution 540 are somehow either disloyal or purposely short-sighted in recognizing the dangers of Communism. This Committee occu-

pies itself with the defense of our national security on a daily basis, not as a matter of political convenience.

The Kissinger Commission, inspired by the leadership of the late Senator Henry Jackson, recommended the inculcation of democratic values and institutions throughout Central America. It specified target amounts of economic assistance for Nicaragua's neighbors which have not been met and which will not be met through the provisions of this legislation.

We have been informed that our neighbors in this hemisphere, from Costa Rica, with a population of 2.5 million, to Mexico, with a population of 77 million, support this bill, at least privately. The fact that they are not more vocal in backing military aid is attributed to a reluctance to stir up domestic political controversy. Yet the three newly-elected democratic presidents in the region, Mr. Cerezo in Guatemala, Mr. Azcona in Honduras, and Mr. Arias, in Costa Rica, are sending mixed signals at best. In the absence of any clear articulation of the views of these governments, it is misleading to suggest that they stand behind us. In fact, to judge by the recent statements of the Contadora countries' Foreign Ministers and by the Caraballeda letter signed in January, their reservations are evident. We cannot have a successful policy without respecting the opinions of our neighbors.

The defeat of this bill would not constitute an attempt by Congress to undermine the authority of the President in formulating policy in our back yard. It would represent a difference of opinion between branches of government. We do not consign the resistance forces to slaughter or dismiss the eventual use of force against the Sandinistas by voting against this aid. Instead, by pursuing alternatives, we would allow the Administration to live up to its promise to seek a political, rather than a military solution, to the fighting in and around Nicaragua. There is still room for reform within both the Contra and Sandinista camps, the first in improving its poor human rights record and the second in restoring civil liberties and distancing itself from Castro's Cuba. Passage of this bill limits our options in the future and puts us directly on course for an invasion by U.S. troops.

This is not the bill which will bring the Sandinistas to the table. It is a bill which breaks off diplomatic relations and leads to even greater repression of the Nicaraguan church and private sector. I have appended a recent editorial from the San Antonio Light which emphasizes the need to look for other means of bringing the Sandinistas to the conference table. I urge my colleagues on the Committee to rethink their positions carefully and to consider alternatives which admit the possibility of dialogue, not a widening of the war.

NEGOTIATED PEACE BETTER THAN FUNDING CONTRAS

In these days of Gramm-Rudman-style belt tightening, we know one way the federal government can avoid wasting money: Do not give $100 million in lethal and nonlethal aid to the Contras in Nicaragua.

We have stated before—and restate now—that funding the Contras, a ragtag guerrilla army that has yet to dem-

onstrate it enjoys popular support among the Nicaraguans, is money wasted as long as there is hope of a peaceful solution to what is essentially a regional problem. (Evidently, two of three congressional committees that have considered Contra aid so far agree. These committees have voted aid down.)

No, we are not interested in seeing a Soviet puppet state expand its tentacles across Latin America. And no, we do not want to see Nicaragua turned into an Eastern Bloc beachhead on the mainland of the Americas. We are against a military solution to the crisis in Central America, period, whether it is one imposed by Washington or Moscow.

Both President Reagan and Secretary of State George Shultz have asserted Nicaragua is the launchpad for subversion throughout Latin America. Properly equipped, the Contras could be the bargaining chip we need to force the Sandinistas to the bargaining table, they argue.

If this is so, then why did foreign ministers of eight Latin nations, from Mexico to Argentina come to Washington last month to lobby for American acceptance of a peace proposal calling for no Contra funding and "simultaneous actions" to reduce foreign military presence in the region? Are the ministers of these nations naive, or do they know something we don't know?

The President also asserts we should "stand for democracy" in Nicaragua as we did in the Philippines. In reality, the two situations couldn't be more different. In the Philippines, you had a not particularly benevolent despot overthrown by a popular groundswell. We supported the despot until his waning days, and then wisely we switched to the groundswell. In Nicaragua, we also supported the despot—dictator Anastasio Somoza—until his waning days. The difference as we never got fully involved with the groundswell that overthrew him in 1978, thus abrogating our chance to influence the direction of the "revolution."

Whether the government of Daniel Ortega is the rightful heir to the coalition that beat Somoza is a matter of some debate. Clearly, a lot of the populist spunk has gone out of Sandinismo. Dreary leftist rhetoric and slogans have replaced the genuine promise of '79, when peasant-born Sandinista soldiers were hugging Mercedes-driving businessmen in mutual jubilation over their common victory.

So it comes down to this: Nicaragua, what is to be done? This is a thorny problem that has vexed experienced diplomats from a wide variety of countries. We can only observe that the diplomatic avenues are still open, that Nicaragua has accepted peace proposals which call for arms reductions and removal of foreign troops (including Cuban and Eastern Bloc "advisers" now in Nicaragua). And who knows what else the Nicaraguans might concede at the bargaining table? This approach has never been fully explored.

Until the diplomatic cards have been played, we can only conclude that giving money to the Contras would be throwing gas on the fire. The Contras do not have the military capacity to win. Their effectiveness as an irritant is debatable, since Nicaragua's willingness to negotiate is not in dispute.

Funding the Contras would only add to the immense suffering already borne by people all over Central America. The alternative—serious diplomacy—has not been given an opportunity. We say, give peace a chance.

ALBERT G. BUSTAMANTE.

SUMMARY

PURPOSE

The purpose of House Joint Resolution 540 is to transfer $100 million from the amounts appropriated for the Department of Defense for fiscal year 1986 (Further Continuing Appropriations, 1986, Public Law 99-190) to appropriations available for assistance to the Nicaraguan democratic resistance.

FISCAL DATA

The legislation would create no new budget authority; however, the timing of outlays would differ between the use for which the budget authority was originally intended and the use to which it is to be put. The Congressional Budget Office estimates that outlays would be slightly higher in fiscal years 1986 and 1987 ($15.9 million and $28.3 million, respectively) and slightly lower in fiscal years 1988, 1989 and 1990 ($21.8 million, $10.0 million, and $5.8 million, respectively). The committee concurs with the estimate of the Congressional Budget Office.

ADMINISTRATION POSITION

The Administration strongly supports the enactment of the legislation.

COMMITTEE POSITION

The Committee on Armed Services on March 6, 1986, a quorum being present, agreed to report favorably House Joint Resolution 540, by a voice vote.

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